

DETAILED ACTION

Acknowledgment

1. This Office Action is responsive to the amendment filed on 06/26/2008.

Claim Objections

2. Claims 18, 23 and 24 are objected to because of the following informalities:

Re claim 18, line 6, substitute "a user identifier" to - - the user identifier - -. Line 10, substitute "the digital wallet account" to - - a digital wallet account - -.

Re claim 23, line 5, substitute "a user identifier" to - - the user identifier - -.

Re claim 24, line 6, substitute "a user identifier" to - - the user identifier - -. Line 20, substitute "us" and "a kiosk" to - - use - - and - - the kiosk - -, respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 18 and 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Atsmon et al (US 6607136 B1).

Re claim 18: Atsmon et al discloses a system for customer-specific communication between a customer and a retail establishment, comprising:

a) in a retail store, a reader device for reading a user-identifier (i.e., digital ID) presented by a user in a physical embodiment 10 (col. 12, lines 46+ and col. 30, lines 50-67);

b) database 211e coupled to the reader device, the database 211e storing records, in association with a user identifier (i.e., user's account), containing the following data to the extent provided by the user: name, address, credit card number, digital wallet data, preferred portal and login data for portal (fig. 2; col. 59, line 59 through col. 60, line 4);

c) means for accessing the database to open a connection to the user's digital wallet to facilitate payment via the digital wallet account upon presentment of the physical embodiment of the user identifier to the reader device (fig. 29; col. 69, line 1 through col. 70, line 49);

d) means for accessing user information stored in the database and using such information for signing the user up for support services, upon presentment of the physical embodiment of the user identifier to the reader device (fig. 46; col. 45, line 37 through col. 46, line 19);

e) a client computer 451 serves as a kiosk in the retail store for displaying the internet for the user to view and use (col. 53, line 67 through col. 54, line 17 and fig. 45; col. 91, line 29 through col. 93, line 17);

f) means, coupled to the kiosk, for accessing the user's preferred portal and login data from the database and for logging the user into the preferred portal, upon presentment of the physical embodiment of the user identifier to the reader device (col.

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9, lines 1-12; col. 16, lines 25+; col. 91, line 49 through col. 93, line 17 and col. 101, lines 10-21).

Re claim 20: wherein the database stores loyalty point data in association with the user identifier and wherein the system further comprises:

g) means for allowing user to acquire loyalty points by interacting with specified content (e.g., advertisement) via use of the internet at the kiosk (col. 98, lines 48+ and col. 101, lines 5- 37).

Re claim 21: wherein the database stores information regarding a user's triggers for presenting alerts to the user in association with the user identifier, further comprising:

g) means for triggering alerts to the user when the user presents the physical embodiment of their user identifier (fig. 28; col. 18, line 28 through col. 20, line 31).

Re claim 22: wherein the means for accessing and using user information for signing the user up for support services includes means to set up an e-wallet upon presentment of the physical embodiment of the user identifier, populating data fields using stored identifying information (fig. 29; col. 66, line 56 through col. 68, line 51).

Re claim 23: wherein the means for accessing and using user information for signing the user up for support services includes means for setting up an email account upon presentment of the physical embodiment of a user identifier, using stored identifying information (col. 19, lines 1-12).

Re claim 24: Atsmon et al discloses a system for customer-specific communication between a customer and a retail establishment, comprising:

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a) in a retail store, a reader device for reading a user-identifier presented by a user in a physical embodiment (col. 12, lines 46+ and col. 30, lines 50-67);

b) database coupled to the reader device, the database storing records, in association with a user identifier, containing the following data to the extent provided by the user: name, address, credit card number, digital wallet data, preferred portal and login data for portal, loyalty points, trigger alerts (figs. 2 & 4; col. 59, line 59 through col. 60, line 4; col. 100, line 56 through col. 101, line 59);

c) means for accessing the database to open a connection to the user's digital wallet to facilitate payment via the digital wallet account upon presentment of the physical embodiment of the user identifier to the reader device (fig. 29; col. 69, line 1 through col. 70, line 49);

d) means for accessing user information stored in the database and using such information for signing the user up for support services, upon presentment of the physical embodiment of the user identifier to the reader device (fig. 46; col. 45, line 37 through col. 46, line 19);

e) kiosk in the retail store for displaying the internet for the user to view and use (col. 53, line 67 through col. 54, line 17 and fig. 45; col. 91, line 29 through col. 93, line 17);

f) means, coupled to the kiosk, for accessing the user's preferred portal and login data from the database, upon presentment of the physical embodiment of the user identifier to the reader device (col. 9, lines 1-12; col. 16, lines 25+; col. 91, line 49 through col. 93, line 17 and col. 101, lines 10-21);

g) means for allowing user to acquire loyalty points by interacting with specified content via use of the internet at a kiosk (col. 98, lines 48+ and col. 101, lines 5-37);

h) means for triggering alerts to the user when the user presents the physical embodiment of their user identifier (fig. 28; col. 18, line 28 through col. 20, line 31);

i) means to set up wireless services upon presentation of the physical embodiment of the user identifier, using data stored in database (col. 101, lines 10-21);

j) means for setting up an email account upon presentation of the physical embodiment of the user identifier, using stored identifying information (col. 19, lines 1-12).

Response to Arguments

5. Applicant's arguments filed 06/26/2008 have been fully considered but they are not persuasive.

6. Applicant traversed to the rejection by mainly arguing that Atsmon fails to teach the user's web portal preference (preferred portal) or portal login information. Examiner is respectfully not agreed. As mentioned in Atsmon, column 45, line 37 to column 46, line 19, Atsmon discloses the electronic card 460 allows user/operator to perform various acts such as allowing the user/operator to launch applications by pressing a button on the electronic card. Such single press of the button to access the web portal with login authentication implies that the preferred portal (web access) of the particular user/operator of the electronic card is accessed. Moreover, as taught at column 37, line 65 to column 38, line 10, Atsmon shows the application may be the automatic

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launching to the user's web browser which also implies accessing the user's preferred portal.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., see the Remarks, page 6, lines 6-9) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Accordingly, base on the above rationale, it is believed that the limitations of the claims are met and therefore, the rejection is still maintained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Kim Vo whose telephone number is (571)270-1657. The examiner can normally be reached on Monday - Friday, 7:30a.m. - 5:00p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven S. Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuyen Kim Vo/
Examiner, Art Unit 2887

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Primary Examiner, Art Unit 2887